

**MINUTES**  
**TOWN OF EDGEWOOD**  
**REGULAR COUNCIL MEETING – FEBRUARY 17, 2010 @ 6:30 P.M.**  
**EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, Administrator A.I.C.P, Ms. Estefanie Muller Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

Mayor Stearley requested the Council table Item 5B Appointment of the Planning & Zoning Commissioners.

**MOTION:** Councilor Felton made a motion to approve the Agenda with the tabling of Item 5B Appointment of the Planning & Zoning Commissioners.  
Councilor Simmons seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**4. APPROVAL OF CONSENT AGENDA.**

- A. Regular Council Meeting Minutes of January 20, 2010.
- B. Regular Council Meeting Minutes of February 3, 2010. **Meeting Cancelled**
- C. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of January 4, 2010.
- D. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of January 25, 2010.
- E. Acknowledge Receipt of the Parks @ Recreation Report for the month of January, 2010.
- F. Acknowledge Receipt of the POST Sub-Committee Minutes of January 18, 2010.
- G. Acknowledge Receipt of the COLTPAC Sub-Committee Minutes of January 19, 2010.
- H. Acknowledge Receipt of the Things for Kids to Do Sub-Committee Minutes of January 25, 2010.
- I. Acknowledge Receipt of the Parks & Recreation Advisory Committee Minutes of January 28, 2010. **Meeting Cancelled**
- J. Acknowledge Receipt of the Animal Control Report for the month of January, 2010.
- K. Acknowledge Receipt of the Library Report and Board Minutes of December, 2009.
- L. Acknowledge Receipt of the Library Report and Board Minutes of January, 2010.
- M. Acknowledge Receipt of the Edgewood Police Report for the month of January 2010.
- N. Acknowledge Receipt of Judge White's report for the month of January, 2010.
- O. Code Compliance Report.

**MOTION:** Councilor Simmons made a motion to approve the Consent Agenda and

requested Items 4L, 4M, and 4O be removed from the Consent Agenda for discussion. Councilor Hill seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

Councilor Simmons stated it was her understanding the FOOLs Group needed to have some of their records returned from the Town files on Item 4L. Mayor Stearley suggested she talk to the Town staff to make these arrangements.

Councilor Simmons requested clarification of an acronym used on Item 4M and assistance listed on the report. Chief Daniels stated the assists could have been to a variety of agencies including the Sheriffs Office.

Mayor Stearley stated that RECC stood for Regional Emergency Communication Center. Councilor Simmons asked if the owner notification referred to on the Code Compliance report, Item 4.O had been in issued in writing or verbally.

Ms. Mahalick confirmed it had been a verbal notification.

**MOTION:** Councilor Simmons made a motion to acknowledge receipt of Items 4L, 4M, & 4O of the Consent Agenda. Councilor Felton seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**5. MATTERS FROM THE MAYOR.**

A. Update on the Santa Fe County Presentation.

Mayor Stearley reported on the presentation they had made to Santa Fe County regarding funding for the Waste Water System. He added that Ms. Mahalick would be working with the County Manager.

B. Planning & Zoning Commissioner Appointments – Mr. Jack Snyder and Mr. Michael Turner.  
This item was tabled.

C. Proclamation – Dating Violence Awareness & Prevention Month.

Mayor Stearley read the Dating Violence Proclamation and requested a vote of Council to approve this Proclamation.

**MOTION:** Councilor Felton made a motion to approve the Dating Violence Proclamation. Councilor Hill seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

Mayor Stearley stated that the Wastewater System began working this afternoon at 2:00 P.M. and that Wal-Mart turned the valve to begin utilizing this system.

**6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

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Initials

A. Presentation – Automatic External Defibrillators – Councilor Simmons.

Chief Daniels gave a presentation explaining the benefits of the devices including lives saved. He added that he would like all of the police units to have an AED for use in the field. He discussed the cost and stated he had already applied for a grant to help pay for the units.

Officer David Brown read a letter he received from a little girl whose Grandfather was revived by the use of Officers Browns AED device. He added the AED's are well worth the cost as they saved lives all the time.

Chief Daniels demonstrated the AED performance for the Council and public, he added that they were imperative for any first responder which the police are at the scene first. Chief Daniels also addressed the inadequacy of the first aid kits the officers now have and added he was looking into purchasing trauma kits for each unit.

B. Review of Resolution for the Energy Committee – Councilor Abrams.

Councilor Abrams reviewed a Resolution to extend the life of the Energy Committee so they may continue looking at alternative energy for use by the Town and its citizens. He asked the Council consider the current members of the committee and reinstate them with the new Resolution.

Councilor Simmons addressed the resignation of Mr. Roger Holden as the Town of Edgewood Parks and Recreation Program Manager and thanked him for his work and dedication. She also discussed the resignation of Ms. Alva Holden from the County of Santa Fe Satellite Office

Councilor Hill commended the Road Department for their hard work in keeping up with the unusually large amount of snow the area has received.

**7. MATTERS FROM THE ATTORNEY.**

Mr. Rael updated the Council on the Status of the Annexation Appeal stating it would be filed in a timely fashion on March 3<sup>rd</sup> and then they will make a decision within 30 days from submission. He also discussed the Campbell Ranch appeal that is now scheduled for April 21, 2010 Council Meeting.

Councilor Simmons asked about the procedure for the Annexation Hearing.

Mr. Rael stated the board could make a ruling based on the statements they had before them or they could request a hearing and more evidence.

**8. MATTERS FROM THE ADMINISTRATOR/PLANNER.**

A. Impact Fee Committee Annual Report.

Ms. Mahalick reviewed this item for the Council including the spreadsheets provided in their packets that had been used to establish compliance.

**MOTION:** Councilor Simmons made a motion to accept the report for 04/05 – 09/10 fiscal year regarding Impact Fee Collection. Councilor Felton seconded for discussion.

Councilor Felton asked about the difference in the annual amounts.

Ms. Mahalick clarified the difference was due to the department cut off dates and the overlap of when the check might be received by Santa Fe County.  
Councilor Hill requested the Council be informed regularly regarding the Impact Fees.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

**B. Police P.E.R.A. Election Results.**

Ms. Mahalick reviewed this item for the Council stating the Officers voted to participate in the 20 Year Retirement plan. She added this will result in an increased cost to the Officers. This will go before the PERA Board on the 25<sup>th</sup> of February.

**C. Unionization of the Edgewood Police Department.**

Ms. Mahalick reviewed this item for the Council stating she had provided the Attorneys opinion of the Unionization for their review. She added there is a provision in the law that allows the Administrator to voluntarily sign off on the Unionization and she requested authorization from the Council to do so. She added that upon authorization all correspondence will be directed through a union representative not the individual officer.

**MOTION:** Councilor Hill made a motion to authorize Ms. Mahalick to enter into this voluntary arrangement with the Edgewood Police Department and the Union. Councilor Abrams seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**D. Road Report Update.**

Ms. Mahalick reviewed this item for the Council stating that she had received many calls regarding the snow and mud. She added there are several roads the Council will see come forward for dedication of maintenance and she reviewed the budget for the road department that will affect the Towns ability to accept these roads.

Councilor Hill discussed Legislation that may decrease the Towns Revenue between 17-20% and could lead to some serious choices the Council will have to make. He asked that the public be aware of this and that some services may be at risk.

**E. Wind Turbine Update.**

Ms. Mahalick reviewed this item for the Council stating the Energy and Resource Department maintains the Town is still on track for the Wind Turbine. She added the Federal Government will not require the NEPA study and will allocate more time for the project and she will be receiving the Contract with in the next two weeks.

**F. Soccer Field Update.**

Ms. Mahalick reviewed this item for the Council regarding the Legislatures re-allocation of approximately \$80,000.00 for the completion of the field and facility. She added the contract would resume in April for seeding the field. This is one of the projects the Council will need to look at regarding the Capital Projects Budget. There is also an additional \$120,000.00 for widening of Highway 344 that is not built into the Legislative

allocation.

Councilor Hill requested an update on the sinkhole at 344 and Church.

Ms. Mahalick stated she had met with the Highway Department today and they will be removing the sidewalk, they requested locates on the electrical for the street lights. They will be putting down crusher fines and she will meet with them via conference call on Monday for further discussion.

**9. PUBLIC COMMENTS. Limit to 2 minutes per person.**

**(If you plan to testify under Public Hearings, do not sign up for this topic).**

Ms. Sue West discussed the resignation of Mr. Holden from the Parks & Recreation Department, listed reviewed his many accomplishments and thanked him for his hard work and dedication to the Town.

Mr. Jim Smith announced the retirement of State Representative Ms. Kathy McCoy and stated he would be running for the position.

Mr. Tim McDuffey discussed the use of AED's by the Town and stated he was very much in support of them and would like to see this move forward.

Ms. Emma Martin a 3<sup>rd</sup> grader discussed her cookie sales that will benefit Discovery Park and asked for support. She presented \$60.00 to the Town and said she would continue to sell the cookies.

**10. PUBLIC HEARINGS.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Ms. Mahalick certified that public notice had been posted as required.

**A. Wastewater Treatment Connection Ordinance and Wastewater Hook-Up Fees and Monthly Rates.**

Ms. Mahalick reviewed this item for the Council discussing a hand-out provided indicating the recommendation from Souder-Miller regarding the fees. She added the Ordinance is written as a request for service not a mandate. There is an allowance for timed payments so the total costs can be broken down into affordable payments. She stated the individual or business would have to engineer the design to the system or they could request the engineering be provided for a fee.

Mayor Stearley asked about some of the businesses that are ready to come on line.

Ms. Mahalick listed some of the businesses that were expressing interest and the status of other requests.

Mr. Chuck Ring asked if a new business came in and there was capacity available on the system they would not be mandated to hook up.

Ms. Mahalick confirmed this was how it was written at this time but could be amended in the future.

Ms. Sue West stated she understood that new businesses would not have a choice about hooking up if there was capacity they would be required to come on line.

Ms. Mahalick clarified that as the Ordinance is written new businesses would not be forced to hook-up but it would be unlikely that a Commercial Business would want to go through the expense of a private septic system when the sewer system is available. She

stated again that the Ordinance could be modified in the future if desired. She added in the event the current system is at maximum capacity they would not want it to be mandated that new businesses hook-up.

Councilor Hill requested the use of the words, "Multi-Unit", as opposed to "Multi-Family." He also pointed out a typographical error.

Councilor Simmons requested a spelling correction on the 5<sup>th</sup> page. She also discussed the time limits stated in the Ordinance. She requested the map of the sewer district be added as an exhibit to the Ordinance. Ms. Mahalick clarified there is a drawing of the sewer line but that the District is the public body. She added that she could attach a map of the service area.

The Council discussed the Ordinance line by line and requested some additional changes and corrections.

**MOTION:** Councilor Felton made a motion to table this Public Hearing to the next Regular Council Meeting March 3, 2010 @ 6:30 P.M. Councilor Abrams seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

## **11. RESOLUTIONS.**

A. Resolution No. 2010-04 NMDOT Local Government Road Fund (SP-5-10(116))  
Ms. Mahalick reviewed this item for the Council with the revised amount of \$89,646.67 for 75% from the state and the Towns 25% match at \$22, 411.00, the Highway Departments match is \$67,235.00. She added that they approved a higher amount previously but the Highway Department has found they do not have sufficient funding for the CO-OP and have had to reduce the amount. The result is this Resolution.

**MOTION:** Councilor Abrams made a motion to approve Resolution No. 2010-04 NMDOT Local Government Road Fund (SP-5-1-(116)). Councilor Simmons seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried

B. Resolution No. 2010-05 NMDOT COOP Program 2010/2011.

Ms. Mahalick reviewed this item for the Council stating this was a participation Resolution and is for the Frost Road Project that was previously cut back. She added they were anticipating it would be a \$537,000.00 project and this is where the MAP funds are allocated. She added if there was not enough for this road they could seek an alternate street for the funds and that Edgewood 7, Dinkle Road and Rainbow Road were examples of roads that would qualify. There is about 1 mile of Frost Road that needs to be resurfaced and recommended they finish what was started.

**MOTION:** Councilor Hill made a motion to approve Resolution No. 2010-05

NMDOT COOP Program 2010/2011. Councilor Abrams seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

C. Resolution No. 2010-06 Leadership in Community Sustainability.  
Councilor Abrams presented this Resolution for the Council.  
Councilor Hill stated this was broadening the original intent of the Energy Committee.  
The Council entered into discussions regarding sustainability and the language of the Resolution.

**MOTION:** Councilor Felton made a motion to table this item until the next Council meeting. The motion dies for lack of a second.

**MOTION:** Councilor Simmons made a motion to approve Resolution No. 2010-06 with the amendments as read by Councilor Felton. Councilor Abrams seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

## **12. FINANCE & ADMINISTRATION.**

A. Approval of Town Bills for the month of January, 2010.

**MOTION:** Councilor Simmons made a motion to approve the Town Bills for the month of January, 2010. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

B. Approval of Financial Report for the month of January, 2010.

**MOTION:** Councilor Simmons made a motion to approve the Financial Report for the month of January, 2010. Councilor Felton seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

C. Review of Capital Projects Budget.  
Ms. Mahalick reviewed this item for the Council and asked them to compare the printout and spreadsheet she provided. She also updated the Council on the funding status of the projects listed.  
Councilor Hill requested a simple presentation of this information for the Public.  
Council agreed to create a graphic presentation to update the public on the status of Capital Projects.

D. Municipal Local Option Gross Receipt Tax – Environmental.

Ms. Mahalick discussed the implementation of an Environmental Tax for the Council. She added the Council would need to pass a Resolution at the next meeting in order to move forward.

Councilor Hill clarified the intent of this Tax and stated the window to act on this without public referendum may be closing.

Council agreed they should discuss this at the next meeting depending on the outcome of the Legislation and the possibility of a special meeting to address this.

**13. ANNOUNCEMENTS & CALENDAR REVIEW.**

A. Regular Council Meeting – March 3, 2010.

B. Regular Council Meeting – March 17, 2010.

C. N.M.A.W. – February 25, 2010 @ 6:00 P.M. Woods End Church.

**14. FUTURE AGENDA ITEMS.**

**15. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:41 P.M.

**PASSED, APPROVED and ADOPTED this 3<sup>rd</sup> day of February, 2010**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer